

Workers Compensation and Injury Management Bill 2021 (Consultation Draft)

Submission Template

Bill Clause	Comments
General	<ul style="list-style-type: none"> n/a
7	<p><u>Exclusions for Psychological claims</u></p> <ul style="list-style-type: none"> Should incorporate additional specific reference to anticipation of termination/dismissal
20	<p><u>Employer Obligation to inform of right to claim compensation:</u></p> <ul style="list-style-type: none"> wording far too vague/onerous needs to specifically refer to how an employer is deemed to be aware of the injury having occurred
34	<p><u>Irrevocable authority to collect relevant information</u></p> <ul style="list-style-type: none"> Definition of 'relevant information' too open and could result in confusion for medical practitioners and disputes between parties as to what needs to be disclosed (especially for psychological claims)
35	<p><u>change in Capacity Certification</u></p> <ul style="list-style-type: none"> Given its importance in terms of deeming and provisional payments, this would be better included in the legislation leaving it to the Regulations would be open to risk.
148 2	<p><u>Settlements of claims</u></p> <ul style="list-style-type: none"> Whilst the intent is understood, there are claims where it benefits the claimant for a settlement to occur, rather than a protracted/potentially disputed claim. Some examples may be chronic non compensable illnesses/conditions/significant psychological injury. Should these be set out in the Act rather than the Regulations
63-69	<p><u>Weekly Payments</u></p> <ul style="list-style-type: none"> fails to set out how an employer can obtain wages information from an employee in new employment
166	<p><u>Obligation to make employment available</u></p> <ul style="list-style-type: none"> Too onerous and not always sustainable – especially for smaller employers – to 'create' a position suitable to an injured workers' restrictions
183	<p><u>No obligation on worker to disclose medical reports</u></p> <ul style="list-style-type: none"> This does not address obligation on worker to disclose a report it has sought, could result in doctor shopping.